

4) The defendant understands his constitutional and statutory rights and wishes to waive these rights, including the right to a trial by jury and the right to appear before a United States District Judge;

- 5) The defendant's plea is made freely and voluntarily;
- 6) The defendant is competent to enter this plea of guilty;
- 7) There is a factual basis for this plea; and
- 8) The ends of justice will be served by acceptance of the defendant's plea of guilty.

Recommendation

Accordingly, it is hereby RECOMMENDED that the District Judge accept the plea of guilty and enter a final judgment of guilty against the defendant. It is further RECOMMENDED that the plea agreement be approved conditioned upon a review of the presentence report.

A party's failure to file objections to the findings, conclusions, and recommendations contained in this Report within ten days after service with a copy thereof shall bar that party from *de novo* review by the district judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

So ORDERED and SIGNED this 16th day of December, 2008.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE